

23

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Chad Diederich

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

Michael Sourito
Chief Judge Bier not
Circuit Court of Michigan

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case: 2:23-cv-11657
Assigned To : Berg, Terrence G.
Referral Judge: Stafford, Elizabeth A.
Assign. Date : 7/11/2023
Description: PRIS DIEDERICH V.
MICHAEL SEVRITTO, ET AL (DJ)

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Shad Dierich

All other names by which you have been known:

ID Number

Current Institution

Address

Macomb County Jail
Box 2303
48111, MI 48013

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Michael Servino

Job or Title
(if known) Judge

Shield Number

Employer County of Macomb

Address 46- N. Main St

48111, MI 48013

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Judge BrennerJob or Title
(if known)Chief Judge

Shield Number

Employer

County of Macomb

Address

40 - N - Main StMichigan 48043☐

Individual capacity

☒

Official capacity

Defendant No. 3

Name

Circuit Court of MacombJob or Title
(if known)

Shield Number

Employer

County of Macomb

Address

40 - N - Main StMichigan 48043☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Job or Title
(if known)

Shield Number

Employer

Address

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st
 4th
 6th
 8th amendment
 & 14th amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Michael Gervillo - as an employee
of the County of Nassau and Circuit Court
of Nassau

Chief Judge B. [unclear] as an employee
of the County of Nassau and Circuit Court
of Nassau

Circuit Court of Nassau - acting on the
authority of the County of Nassau and
Circuit Court of Nassau

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Michael Servitto - That on or about 6/17/22 In complete absence of all jurisdiction Michael Servitto did summons me into false court and in complete lack of jurisdiction did raise the Plaintiff's bail from \$30k cash surety to \$100k cash surety, an excessive bond to fulfill his personal agenda.

That on or about 3/14/23 and 3/24/23 Michael Servitto did violate the Plaintiff's 1st amend. man. rights by retaliating against the Plaintiff for previously filing a civil suit against himself, Judge Biennet and Jocelyn Agee. and did double and triple the Plaintiff's bond to excessive amounts.

Chief Judge Brennan.

Having been previously notified of Michael Sorvillo's actions toward the plaintiff, and doing nothing to curtail his retaliatory actions toward the plaintiff he hereby becomes complicit in Michael Sorvillo's actions.

Normally when action would have been brought against a subordinate such as Michael Sorvillo at least a counseling would have been undertaken but nothing was done.

Mocomb County Circuit Court.

The Plaintiff notifying the Court administrator as well as the Chief Judge about Michael Sorvillo's actions toward the plaintiff and neither party doing anything to curtail the defendant's actions against the plaintiff do hereby make the circuit court complicit in Michael Sorvillo's actions on the Plaintiff.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Moore County Correctional Center

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

N/A

- C. What date and approximate time did the events giving rise to your claim(s) occur?

6/1/22, 3/14/23 & 3/24/23

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

That on or about 6/17/22 without jurisdiction Judge Michael Sorvillo did convince me to come to the Mecon, Calif. Courthouse under the guise of a judicial hearing, once at the courthouse and in the court room I asked the judge where my attorney and the prosecution was, he stated they wouldn't be needed that day. The defendant Michael Sorvillo went on to say that he would take me into jail in order to get his way with community corrections, and that he was releasing my bond to \$100 K, the defendant M. Sorvillo did violate my 6th amendment by denying me a trial by jury and my 8th amendment by requiring an unreasonable bond. I got his way with community corrections then on or about 3/14/23 / & 3/24/23

Defendant Servitto did violate my 1st amendment rights by retaliating against me by requiring an excessive bond of \$100k and then on the 24th requiring a \$200k bond. On the record when the Plaintiff's attorney asked the Defendant Servitto to recuse himself because of the previous suit filed by the plaintiff the defendant Servitto stated that "when we found out about the suit we dismissed it as judge shopping. the defendant's bond is now \$200,000 How she like me now!"

Witnessed by attorney Ron Marsh
 the court clerk, and court stenographer

Defendant Brenot Chief Judge of the Circuit Court having been previously notified of the Defendant Servittos actions toward the Plaintiff.

did nothing to curtail the Defendant Servittos actions toward the Plaintiff thereby making himself complicit in the Defendant Servittos actions against the Plaintiff by violating the Plaintiff's 1st and 8th amendments.

The Circuit Court of Macomb is complicit in the Defendant Servittos actions because the Plaintiff did mail two letters to the Macomb County Court administrator about Defendant Servittos actions against the Plaintiff.

and when the Court administrator failed to respond the Plaintiff did personally call the Court administrator twice. Once personally speaking to the court administrator and when the Court administrator said they would look into Judge Servittos actions and get back to me and never did I called again this time being directed to the Court administrators voice mail. There by the Court administrator being notified four times of Defendants Servittos actions previously against the Plaintiff they thereby become accomplice in Defendant Servittos actions against the Plaintiff. Thereby

violating the Plaintiffs 1st and 2nd
amendment rights

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

actual damages \$10,000
punitive damages \$20,000

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☒ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) Chad Diederich

Defendant(s) Michael Diederich et al

2. Court *(if federal court, name the district; if state court, name the county and State)*

Eastern Dist of Michigan

3. Docket or index number

222 - cv - 11657

4. Name of Judge assigned to your case

Stephen Murphy

5. Approximate date of filing lawsuit

8-11-22

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

case dismissed with prejudice

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

Age Group	No answer (%)	No (%)	Yes (%)	Don't know (%)
18-24	10	10	70	10
25-34	10	10	70	10
35-44	10	10	70	10
45-54	10	10	70	10
55-64	10	10	70	10
65-74	10	10	70	10
75-84	10	10	70	10
85+	10	10	70	10

Age Group	Percentage
18-24	10%
25-34	20%
35-44	25%
45-54	20%
55-64	15%
65-74	10%
75-84	5%
85+	5%

☐ Yes☐ No

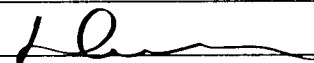
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

City _____ State _____ Zip Code _____

Additional Information:

Clerk,

I'm filling this while
I'm at Macomb County Jail
but I'm transferring to MI
Dept of Corrections here
shortly. So I imagine any
correspondence should be directed
to RGC in Jackson, MI to
myself, Choe Diederich 443566



Chad Diederich #443563
Macomb County Jail
P.O. Box 2308
Mt. Clemens, MI 48043

US District Court
Office of the Clerk
231 W. Lafayette Blvd
Detroit, MI 48226

U.S. District Court
Detroit, Michigan